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\*E-FILED 01-07-2010\*

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NOT FOR CITATION

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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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SAN JOSE DIVISION

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WEI XIAN YANG,

No. C08-03956 HRL

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Plaintiff,

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v.

**ORDER OF DISMISSAL**

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CHINA CHINA, INC. dba CHINA CHINA  
RESTAURANT AND BUFFET, CHUN JENN  
JI and DOES 1-10,

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Defendants.

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On June 18, 2009, this court conditionally granted defense counsel's motion to withdraw. The court's docket indicated that there subsequently was no activity in the case. According to a January 6, 2010 status report filed by plaintiff's counsel, it now appears that plaintiff has returned to China and will not be participating in the upcoming pretrial conference and trial. Accordingly, the January 12, 2010 pretrial conference and January 19, 2010 bench trial are vacated, and this action is dismissed. FED. R. CIV. P. 41. The clerk shall close the file.

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SO ORDERED.

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Dated: January 7, 2010

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HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

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**United States District Court**

For the Northern District of California

1 5:08-cv-03956-HRL Notice has been electronically mailed to:  
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3 Richard C. J. Wahng rwahng@legal-opinion.com, cjwahng@hotmail.com  
4 Counsel are responsible for distributing copies of this document to co-counsel who have not  
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